

2254	1983
FILING FEE PAID	
Yes	No
HYP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

FILED
FEB 21 2008
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>R.M.</i> DEPUTY

SY LEE CASTLE C-82790
KVSP B-5-122
P.O. BOX 5102
DELANO, CA 93216

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 CV 0347 DMS POR

CASE NO.

SY LEE CASTLE

PLAINTIFF

v.

M. RAMIREZ, CORRECTIONAL NURSE
A. LOPEZ, CORRECTIONAL NURSE
BOTH OF THEM ARE BEING SUED IN
THEIR INDIVIDUAL CAPACITY

DEFENDANTS

COMPLAINT FOR

VIOLATION OF CIVIL

RIGHTS 42 U.S.C. § 1983

AND DEMAND FOR JURY

TRIAL



JURISDICTION

THIS ACTION ARISES UNDER THE U.S. CONSTITUTION AND THE CIVIL RIGHT ACT PURSUANT TO 42 U.S.C. § 1983 AND THE EIGHT AND FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION. JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. § 1331, 1346 AND 1343, AND THE AFORESAIDED STATUTORY AND CONSTITUTIONAL PROVISIONS.

VENUE IS FOUNDED IN THIS JUDICIAL DISTRICT UPON 28 U.S.C. § 1391 AS THE COMPLAINT OF AROSE IN THIS DISTRICT.

GENERAL ALLEGATIONS

AT THIS TIME HEREIN MENTIONED, THE PLAINTIFF WAS A CITIZEN OF THE U.S., RESIDING WITHIN THE COUNTY OF CALIFORNIA, STATE OF CALIFORNIA AND WAS AN INMATE AT CALIFORNIA STATE PRISON.

PARTIES

DEFENDANTS, M. RAMIREZ AND A. LOPEZ ARE CORRECTIONAL NURSES, ARE EMPLOYED BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, WERE RESPONSIBLE FOR ENFORCING THE REGULATIONS OF THE DEPARTMENT AND ARE REQUIRED BY LAW TO OBEY THE LAWS OF THE STATE AND THE UNITED STATES. THEY ARE BOTH SUED IN THEIR INDIVIDUAL CAPACITY.

AT ALL MATERIAL TIMES RELEVANT IN THIS COMPLAINT, THE DEFENDANT AND BOTH OF THEM WERE ACTING AND CONTINUE TO ACT AND UNDER COLOR OF STATE LAW.



BY RESPONSE OF THE DEFENDANTS CONDUCT AND BOTH OF THEM, THE PLAINTIFF WAS DEPRIVED OF RIGHTS, PRIVILEGES AND IMMUNITIES SECURED TO HIM BY THE EIGHTH AND FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION AND LAWS THEREUNDER.

ADMINISTRATIVE EXHAUSTION

ON APRIL 8, 2006 PLAINTIFF FILED AN ADMINISTRATIVE APPEAL / REASONABLE MODIFICATION OR ACCOMMODATION REQUEST REGARDING THE APRIL 7, 2006 INCIDENT.

ON APRIL 26, 2006 PLAINTIFF RECEIVED A FIRST LEVEL OF RESPONSE TO APPEAL LOG NO. C-06-00830 THAT WAS PARTIALLY GRANTED ON THE FIRST LEVEL OF REVIEW.

ON MAY 30, 2006 PLAINTIFF FILED A SECOND LEVEL OF RESPONSE TO APPEAL LOG NO. C-06-00830

ON JUNE 29, 2006 PLAINTIFF RECEIVED A SECOND LEVEL OF RESPONSE TO APPEAL LOG NO. C-06-00830 THAT WAS PARTIALLY GRANTED ON THE SECOND LEVEL OF REVIEW.

ON JULY 14, 2006 PLAINTIFF FILED A DIRECTOR'S LEVEL OF REVIEW TO APPEAL LOG NO. C-06-00830.

ON OCTOBER 13, 2006 PLAINTIFF RECEIVED A DIRECTOR'S LEVEL OF REVIEW TO APPEAL LOG NO. C-06-00830 WAS DENIED AT THE LEVEL OF REVIEW.

THIS FULLY EXHAUST PLAINTIFF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ADMINISTRATIVE REMEDIES TO APPEAL LOG NO. C-06-00830 SEE ATTACHED (EXHIBIT A)



FACTUAL ALLEGATIONS

① ON JULY 8, 1999 AT PELICAN BAY STATE PRISON HEREIN AFTER (PBSP) PLAINTIFF WAS STABBED FROM BEHIND IN THE NECK BY ANOTHER PRISONER THAT RESULTED IN PLAINTIFF BECOMING PARALYZED FROM THE CHEST DOWN

② AS A RESULT OF THE STABBING PLAINTIFF HAS BEEN DIAGNOSED PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES)

③ ON APRIL 9, 2001 AT SALINAS VALLEY STATE PRISON HEREIN AFTER (SVSP) PLAINTIFF WAS EXAMINED BY DR. THEODORE KACZMAR NEUROLOGIST WHO PRESCRIBED BACLOFEN MEDICATION FOR PLAINTIFF DO TO MUSCLE SPASMS.

④ ON MARCH 23, 2006 AT (SVSP) PLAINTIFF WAS EXAMINED BY DR. WILSON WHO STOP PLAINTIFF MOTRINS AND PRESCRIBED VICODIN 500 MG X 60 DAYS FOR PLAINTIFF CHRONIC LOWER BACK PAIN.

⑤ ON APRIL 7, 2006 AT APPROXIMATELY 2:00 AM PLAINTIFF WAS TRANSFERRED FROM CALIFORNIA STATE PRISON COCONA HEREIN AFTER (CSP-COA) TO CALIFORNIA STATE PRISON HEREIN AFTER (CSP-C)

⑥ PLAINTIFF ARRIVED AT CSP-C AT APPROXIMATELY 2:00 PM AND AT APPROXIMATELY 3:30 PM PLAINTIFF WAS SEEN BY THE ON DUTY NURSE DEFENDANT M. RAMIREZ AT RECEIVING AND RELEASE WHO HAD PLAINTIFF MEDICAL FILES IN FRONT OF HER AND I WAS ASKED WHAT TYPE OF MEDICATION I WAS PRESCRIBED AND CURRENTLY TAKING, PLAINTIFF INFORMED DEFENDANT M. RAMIREZ I AM TAKING VICODIN 5) 500 MG FOR PAIN AND BACLOFEN 10 MG FOR MUSCLE SPASMS

⑦ WHEN PLAINTIFF REQUESTED THE VICODIN MEDICATION FOR PAIN THE ON DUTY NURSE DEFENDANT M. RAMIREZ DENIED THE PLAINTIFF THE MEDICATION FOR PAIN IN A CASHI FORM OR PILL FORM.

⑧ ON APRIL 8, 2006 AT APPROXIMATELY 1:00 PM THE ON DUTY (MIA) MEDICAL



1 TRAINEE ASSISTANCE CARRILLO CAME TO MY ASSIGNED CELL AND I
 2 ALSO INFORMED HER THAT I AM SUFFERING FROM CHRONIC LOWER BACK PAIN AND
 3 TAKING VICODIN MEDICATION AND REQUESTED THAT SHE GO CHECK MY MEDICAL
 4 FILE AND ONCE SHE VERIFY THAT I AM ON THE CHRONIC PAIN MEDICATION
 5 THAT SHE PROVIDE ME WITH THE MEDICATION.

6 ① MEDICAL TRAINEE ASSISTANCE CARRILLO STATED THAT IF I GIVE
 7 YOU THE MEDICATION YOU WOULD HAVE TO BE HOUSED IN THE INFIRMARY.

8 ② PLAINTIFF EXPLAINED TO (MTA) CARRILLO AT (CSP-COA) THE MEDICAL
 9 TRAINEE ASSISTANCES WOULD BRING MY MEDICATION TO ME DAILY
 10 WITHOUT ME BEING CONFINED IN THE INFIRMARY, I SEE NO REASON WHY I
 11 WOULD HAVE TO BE PLACED IN THE INFIRMARY TO RECEIVE MY PRESCRIPTION
 12 MEDICATION, AND I SEE NO REASON WHY IM NOT RECEIVING MY PRESCRIBED
 13 MEDICATION, IT WAS MADE CLEAR BY MTA CARRILLO THAT THE MEDICATION
 14 IS AVAILABLE.

15 ③ ON APRIL 14, 2006 AT CSP-C PLAINTIFF WAS EXAMINED BY A. LOPEZ
 16 ON DUTY NURSE PRACTITIONER AND I EXPLAINED TO HIM THAT IM HAVING
 17 SEVERE CHRONIC LOWER BACK PAIN AND WOULD HE HAVE THE NURSE TO
 18 GIVE ME MY PAIN MEDICATION DO TO CHRONIC PAIN. NURSE DEFENDANT
 19 A. LOPEZ DENIED PLAINTIFF THE PAIN MEDICATION IN A CAUSH OR PILL FORM
 20 THAT WAS PRESCRIBED BY DR. WILSON AT (CSP-COA) ON MARCH 23, 2006
 21 FOR 60 DAYS.

22 ④ ON APRIL 26, 2006 PLAINTIFF WAS INTERVIEWED BY D. FLORES
 23 CONCERNING APPEAL LOG NO. 06-00830, WHO STATED (QUOTE) PLEASE
 24 BE ADVISED THAT VICODIN IS A MEDICATION THAT IS NOT ALLOWED ON THE
 25 YARD AT (CSP-C) IN ITS SOLID FORM. YOU CAN RECEIVE CAUSHED
 26 VICODIN ON THE YARD AT THE CLINIC. IN THE OUTPATIENTS HOUSING UNIT IT
 27 IS AVAILABLE IN PILL FORM. MR. LOPEZ HAS SUBSTITUTED DACTOFEN FOR
 28 THE PAIN MEDICATION THAT YOU WERE RECEIVING AT YOUR FORMER INSTITUTION



1 AND THIS MAY ACTUALLY WORK BETTER FOR YOU.

2 (13) DEFENDANT A. LOPEZ NURSE PRACTITIONER DID NOT SUBSTITUTE THE
3 PAIN MEDICATION VICODIN FOR BACLOFEN, PLAINTIFF HAD ALREADY
4 BEEN PRESCRIBED BACLOFEN MEDICATION AT CSP-COR BY DR. PIMATUKAANTA
5 FROM MARCH 2, 2006 TO MAY 31, 2006 AND THE BACLOFEN WAS PRESCRIBED
6 FOR MUSCLE SPASMS, AND ON APRIL 14, 2006 DEFENDANT A. LOPEZ
7 HAD GIVEN PLAINTIFF THE BACLOFEN MEDICATION HE HAD ALREADY BEEN
8 PRESCRIBED AT HIS FORMER INSTITUTION.

9 (14) ONCE PLAINTIFF ARRIVED AT (CSP-C) ON APRIL 7, 2006 I WAS
10 DENIED THE PAIN MEDICATION IN A CRUSHED OR SOLID FORM AND ON
11 APRIL 14, 2006 WHEN PLAINTIFF WAS EXAMINED BY DEFENDANT A. LOPEZ
12 EVEN AFTER I INFORMED HIM I WAS IN SEVERE CHRONIC LOWER BACK
13 PAIN IN THE CLINIC PLAINTIFF WAS DENIED THE PAIN MEDICATION IN
14 A CRUSHED OR SOLID FORM, AND THE BACLOFEN MEDICATION DID NOT
15 ALLEVIATE THE CHRONIC PAIN IN PLAINTIFFS LOWER BACK.

16 (15) ON MAY 3, 2006 PLAINTIFF WAS ADMITTED INTO (CSP-C) INFIRMARY
17 DO TO HIS SPINAL INJURY AND MEDICAL SYMPTOMS THAT HE IS SUFFERING
18 FROM.

19 (16) THEREFORE ON APRIL 8, 2006 AT (CSP-C) MEDICAL TRAINEE ASSISTANCE
20 CERRILLO WAS CORRECT, I WOULD HAVE TO BE HOUSED IN THE INFIRMARY TO
21 RECEIVE THE PAIN MEDICATION VICODIN. ON MAY 3, 2006 WHEN PLAINTIFF
22 WAS ADMITTED IN THE INFIRMARY ON MAY 3, 2006 I WAS THEN PROVIDED
23 WITH THE PAIN MEDICATION VICODIN.

24

25 FIRST CAUSE OF ACTION

26 DELIBERATE INDIFFERENCE TO PLAINTIFFS SERIOUS MEDICAL NEEDS

27

28 (17) PLAINTIFF HEREBY RECALLEGUE AND INCORPORATE ALL PRECEDING



1 PARAGRAPHS AS THOUGH FULLY SET FORTH HEREIN 1 THROUGH 16

2 (18) PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED INMATE

3 (19) PLAINTIFF CLAIM THAT DEFENDANTS M. DAMIRAZ AND A. LOPEZ

4 DEMONSTRATED DELIBERATE INDIFFERENCE TO HIS SERIOUS MEDICAL NEEDS WHEN

5 THEY KNOW THAT PLAINTIFF HAVE A SPINAL CORD INJURY, DEFENDANTS KNOW

6 THAT PLAINTIFFS WAS PRESCRIBED PAIN MEDICATION VICODIN BY DR.

7 WILSON, PLAINTIFF INFORMED BOTH DEFENDANT THAT HE WAS IN CHRONIC

8 PAIN AND THAT HE NEEDS HIS PAIN MEDICATION, AND BOTH DEFENDANTS

9 DENIED PLAINTIFF THE PAIN MEDICATION IN A CRUSHED OR SOLID FORM

10 FOR 27 DAYS

11 (20) DEFENDANTS INTENTIONALLY AND DELIBERATELY DENIED AND/OR

12 REFUSED PLAINTIFF TO GAIN ACCESS TO HIS PRESCRIPTION PAIN MEDICATION

13 VICODIN THAT WOULD HAVE HELPED HIS CHRONIC LOWER BACK PAIN AND

14 BY THE DEFENDANTS DENYING PLAINTIFF HIS PRESCRIBED PAIN MEDICATION

15 COMPLETELY, DID NOT ADVANCE OR SUPPORT ANY LEGITIMATE PENOLOGICAL

16 INTEREST AND AS A RESULT PLAINTIFF SUFFERED A CHILLING EFFECT.

17 (21) AS A RESULT OF THE DEFENDANTS, PLAINTIFF HAS BECOME MENTALLY

18 UPSET, DISTRESSED AND AGGRAVATED WHICH AFFECTED HIS DAILY ACTIVITIES BY

19 REASON OF THE AFORE DISCRIBED ACTS AND OMISSIONS OF DEFENDANTS, PLAINTIFF

20 SUSTAINED GREAT NUMEROUS PHYSICAL MENTAL AND EMOTIONAL INJURIES, INCLUDING,

21 BUT NOT LIMITED TO SEVERE CHRONIC LOWER BACK PAIN, HUMILIATION, INDIGNITIES,

22 PAIN AND SUFFERING. PLAINTIFF CLAIMS GENERAL DAMAGES FOR SUCH MENTAL

23 DISTRESS AND AGGRAVATION.

24 (22) THE AFORE MENTIONED ACTS OF DEFENDANTS WERE WILLFUL, WANTON,

25 MALICIOUS, OPPRESSIVE, VEXATIOUS, DELIBERATE AND DONE WITH RECKLESS

26 INDIFFERENCE TO AND/OR CALLOUS DISREGARD FOR PLAINTIFFS RIGHTS AND

27 JUSTIFY AN AWARD OF EXEMPLARY AND PUNITIVE DAMAGES.

28 (23) IN COMMITTING THE ACTS SET FORTH HEREIN ABOVE, THE DEFENDANTS

1 VIOLATED PLAINTIFF FEDERALLY PROTECTED RIGHTS THE EIGHT AMENDMENT
 2 BEING DELIBERATE INDIFFERENCE TO PLAINTIFF SERIOUS MEDICAL NEEDS,
 3 CUEL AND UNUSAL PUNISHMENT DENIAL OF MEDICAL CARE.

4
 5 SECOND CAUSE OF ACTION

6 THE DEFENDANTS ACTS AND OMISSIONS CONSTITUTED A
 7 VIOLATION OF PLAINTIFFS RIGHTS TO EQUAL PROTECTION UNDER
 8 THE FOURTEENTH AMENDMENT
 9

10
 11 (24) PLAINTIFF HEREBY RECALLEG AND INCORPORATE ALL PRECEDING
 12 PARAGRAPHS AS THOUGH FULLY SET FORTH HEREIN 1 THROUGH 16

13 (25) ON JULY 8, 1999 AT PELICAN BAY STATE PRISON PLAINTIFF WAS
 14 STABBED FROM BEHIND IN THE NECK BY ANOTHER PRISONER THAT RESULTED IN
 15 PLAINTIFF BECOMING PARALYZED FROM THE CHEST DOWN.

16 (26) PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED INMATE.
 17 (27) PLAINTIFF CLAIM THAT DEFENDANTS M. RAMIREZ AND A. LOPEZ
 18 DEMONSTRATED A VIOLATION OF PLAINTIFFS RIGHTS TO EQUAL PROTECTION
 19 WHEN THEY KNEW THAT PLAINTIFF HAVE A SPINAL CORD INJURY, DEFENDANTS
 20 KNEW THAT PLAINTIFFS WAS PRESCRIBED PAIN MEDICATION VICODIN BY DR.
 21 WILSON, PLAINTIFF INFORMED BOTH DEFENDANTS THAT HE WAS IN CHRONIC
 22 PAIN AND THAT HE NEEDS HIS PAIN MEDICATION, AND BOTH DEFENDANTS
 23 DENIED PLAINTIFF THE PAIN MEDICATION IN A CRUSHED OR SOLID FORM FOR
 24 27 DAYS.

25 (28) DEFENDANTS INTENTIONALLY AND DELIBERATELY DENIED AND/OR REFUSED
 26 PLAINTIFF TO GAIN ACCESS TO HIS PRESCRIPTION PAIN MEDICATION VICODIN THAT
 27 WOULD HAVE HELP HIS CHRONIC LOWER BACK PAIN AND BY THE DEFENDANTS DEIVING
 28 PLAINTIFF HIS PRESCRIBED PAIN MEDICATION COMPLETELY, DID NOT ADVANCE OR SUPPORT

1 ANY LEGITIMATE PENOLOGICAL INTEREST AND AS A RESULT PLAINTIFF
2 SUFFERED A CHILLING EFFECT.

3 ② AS A RESULT OF THE DEFENDANTS, PLAINTIFF HAS BECOME MENTALLY
4 UPSET, DISTRESSED AND AGGRAVATED WHICH AFFECTED HIS DAILY ACTIVITIES.
5 BY REASON OF THE AFORE DISCARDED ACTS AND OMISSIONS OF DEFENDANTS,
6 PLAINTIFF SUSTAINED GREAT NUMEROUS PHYSICAL MENTAL AND EMOTIONAL INJURIES
7 INCLUDING, BUT NOT LIMITED TO SEVERAL CHRONIC LOWER BACK PAIN, HUMILIATION
8 INDIGNITIES, PAIN AND SUFFERING. PLAINTIFF CLAIMS GENERAL DAMAGES FOR
9 SUCH MENTAL DISTRESS AND AGGRAVATION.

10 ③ THE AFORE MENTIONED ACTS OF DEFENDANTS WERE WILLFUL, WANDON,
11 MALICIOUS, OPPRESSIVE, VEXATIOUS, DELIBERATE AND DONE WITH RECKLESS
12 INDIFFERENCE TO AND/OR CALLOUS DISREGARD FOR PLAINTIFFS RIGHTS AND
13 JUSTIFY AN AWARD OF EXEMPLARY AND PUNITIVE DAMAGES.

14 ④ IN COMMITTING THE ACTS SET FORTH HEREIN ABOVE, THE DEFENDANTS
15 VIOLATED PLAINTIFF FEDERALLY PROTECTED RIGHTS EQUAL PROTECTION UNDER
16 THE FOURTEENTH AMENDMENT.



PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF PRAY FOR JUDGMENT AGAINST DEFENDANTS AS
FOLLOWS:

GENERAL DAMAGES IN THE SUM OF TWO MILLION DOLLARS (\$ 2,000,000).
COMPENSATORY DAMAGES IN THE SUM OF TWO MILLION DOLLARS (\$ 2,000,000).
SPECIAL DAMAGES IN THE SUM OF TWO MILLION DOLLARS (\$ 2,000,000).
PUNITIVE DAMAGES IN THE SUM OF FOUR MILLION DOLLARS (\$ 4,000,000).
INTEREST AS PROVIDED BY LAW FOR THE COST OF THIS SUITE.

DECLARATORY JUDGMENT THAT THE DEFENDANTS ACTS, POLICY AND
PRACTICES DESCRIBED HEREIN, VIOLATED PLAINTIFFS RIGHTS UNDER THE
UNITED STATES CONSTITUTION.

INJUNCTIVE RELIEF. AN INJUNCTION PREVENTING DEFENDANTS, THEIR
SUCCESSORS IN OFFICE, AGENTS, EMPLOYEES, AND ALL OTHER
PERSON IN ACTIVE CONCERT AND PARTICIPATING WITH THEM, FROM
HARRASSING, THREATENING, PUNISHING OR RETALIATING IN ANY WAY AGAINST
PLAINTIFF, BECAUSE HE HAS FILED THIS ACTION OR AGAINST ANY OTHER PRISONER
BECAUSE THAT PRISONER SUBMITTED DECLARATIONS IN THIS CASE ON BEHALF
OF THE PLAINTIFF.

FOR SUCH OTHER AND FURTHER RELIEF AS THIS COURT MAY DEEM
JUST, PROPER AND EQUITABLE.

DEMAND FOR JURY TRIAL

PLAINTIFF, DEMANDS A TRIAL BY JURY

I DO DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE
AND CORRECT.

DATED: FEB 17, 2008

[Signature]

